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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against: Case No. 2010 – 394	
12	ARA GULOGLYAN 1325 N. Sierra Bonita Avenue, #Apt 209	
13	Los Angeles, CA 90046 A C C U S A T I O N	
14	Registered Nurse License No. 531934	
15	Respondent.	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department	
22	of Consumer Affairs.	
23	2. On or about April 28, 1997, the Board of Registered Nursing (Board) issued	
24	Registered Nurse License No. 531934 to Ara Guloglyan (Respondent). The Registered Nurse	
25	License was in full force and effect at all times relevant to the charges brought herein and will	
26	expire on March 31, 2011, unless renewed.	
27	<i>III</i>	
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JURISDICTION

- 3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

- 5. Section 490 states:
- (a) In addition to any other that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- (b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, duties of the business or profession for which the license was issued.
- (c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. [¶]
 - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- [¶] ... [¶]

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof." [¶]

7. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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- "(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160."

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COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

- 10. Respondent is subject to disciplinary action pursuant to Code sections 490(a) and 2761(f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a licensed registered nurse, as follows: The circumstances are as follows:
- a. On or about July 20, 2006, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], in the criminal proceeding entitled *The People of the State of California v. Ara Guloglyan* (Super. Ct. Los Angeles County, 2006, No. 6BR01449). The circumstances surrounding the conviction or that on or about May 3, 2006, Respondent was arrested by Burbank Police Officers for displaying signs and symptoms of being under the influence of an alcoholic beverage, failing a series of Field Sobriety Tests, and leaving the scene of a traffic accident. Respondent was court ordered to complete a 3-month First Offender Alcohol Counseling Program, pay fines totaling \$1516.00, serve 13 days in jail and placed on probation for a period of 36 months with terms and conditions.
- b. On or about July 2, 2008, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 273.5(a) [inflicting corporal injury spouse/cohabitant], in the criminal proceeding entitled *The People of the State of California v. Ara Guloglyan* (Super. Ct. Los Angeles County, 2008, No. 8HY00064). The circumstances surrounding the conviction are that on or about December 18, 2007, Respondent was involved in a violent verbal confrontation with his spouse and proceeded to punch her numerous times in the face, resulting in bleeding from a 1-inch laceration located on the left side of her forehead and

lower chin. Los Angeles Police Officers arrested Respondent. Respondent was court ordered to complete a 52-week Domestic Violence Program pay a fine of \$520.00, perform twenty-nine days of community service, serve 90 days in jail and placed on probation for a period of 36 months with terms and conditions.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

11. Respondent is subject to disciplinary action pursuant to Code sections 2761(a) and 2762(b), in that on or about May 3, 2006, Respondent used alcoholic beverages to an extent or in a manner dangerous to himself, and others. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph 10, subparagraph (a), as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Conviction Involving the Consumption of Alcohol)

12. Respondent is subject to disciplinary action pursuant to Code sections 2761(a) and 2762 (c), in that on or about July 20, 2006, Respondent was convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph 10, subparagraph (a), as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 531934, issued Respondent;
- 2. Ordering Ara Guloglyan to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED:	2/22/10
/	, ,

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer Board of Registered Nursing

Department of Consumer Affairs State of California

Complainant

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